

REMARKS/ARGUMENTS

The specification has been amended in the manner required by the Examiner.

Claim 1 has been amended without changing its substance, in an effort to define the claimed method more clearly by **positively** reciting the step of measuring the amount of the accumulating bulk material. This claim is respectfully submitted neither to be anticipated under 35 U.S.C. 102(b) by Theurer et al, cited, nor to be obvious therefrom.

In the loading method disclosed in the cited patent, storage car 4 is filled by displaceably moving bulkhead partition 24 forward, the bulkhead partition dividing the car into containers of variable size as it is moved. As more bulk material is fed into the car, the bulkhead partition is moved together with the bottom conveyor band, the forward speed being controlled in response to the amount of the accumulating bulk material. However, since the amount of conveyed bulk material varies sometimes widely because of different ballast conditions along the track, the control of the forward speed of the conveyor band and bulkhead partition is quite difficult if the optimal speed is to be adjusted in response to the accumulated bulk material (ballast) in the storage car. It has required an experienced operator who observes the loading on the spot and manually actuates the speed control.

A further problem is encountered in the operation of this prior art box car in that the bulk material on the transfer conveyor band (the ascending portion of the bottom conveyor band in the cited patent) in the adjacent storage car must be emptied into the first storage car. Therefore, the operator must correctly estimate the additional amount of bulk material fed into the first storage car for the speed control of the bottom conveyor band in the first storage car.

Considering the above, it is believed to be evident that stages (a) and (b) of claim 1 do **not** find a counterpart in Theurer et al, as held by the Examiner. Thus, there is **no** teaching of reducing of the conveying speed mode in the first storage car to a storage speed mode while the transfer conveyor band in the adjacent storage car fills the first storage car. There certainly is **no** teaching of **measuring** the amount of the accumulating bulk material. Therefore, there can be no suggestion of **automatically adjusting** the storing speed mode in response to the **measured amount** of the accumulating bulk material so that the first storage car is optimally filled to a maximum height. In view of this, stage (a) is respectfully submitted to distinguish claim 1 patentable over Theurer et al.

Furthermore, nothing in the Theurer et al loading method suggests the step of stage (b) of claim 1.

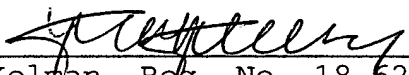
Claim 2 is respectfully submitted clearly to be patentable on its own merit. Theurer et al **nowhere** even mention a step of emptying the bulk material on the transfer conveyor band of the adjacent storage car into the first storage car.

Claims 3-5 depend on claim 1 and are believed to be allowable therewith.

A sincere effort having been made to overcome all objections and grounds of rejection, favorable reconsideration and allowance of claim 1-5 are respectfully solicited.

Respectfully submitted,
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Enclosure: Abstract

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on April 29, 2005.


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